CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

THE SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK TOWN COUNCILWOMAN CRIS HENDRICK TOWN COUNCILMAN ERIC KITCHEN TOWN COUNCILMAN JOHN MORROW SUPERVISOR JAMES QUIGLEY 3rd

Presentation of Pride of the Town Award to Adams Fairacre Farms

Supervisor Quigley reported that the Town wanted to recognize Adams Fairacre Farms for their beneficence to the community and for their recent act in donating Christmas Trees to the local Boy Scouts to replace the ones that were stolen.

PUBLIC COMMENT

There was no public comment.

COMMUNICATIONS

Supervisor Quigley reported that a private group will be handling a feral cat colony on Pine Place.

Motion authorizing the Supervisor to sign an engagement letter with Rusk, Wadlin, Heppner and Martuscello, LLP for General Town Legal Services for 2013 at the rate of \$150.00 per hour

Motion: Councilwoman Hendrick

Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Motion authorizing the Supervisor to sign an engagement letter with Rebecca Millouras-Lettre, ESQ for General Town Legal Services for 2013 at the rate of \$150.00 per hour

Motion: Councilman Brink

Second: Councilwoman Hendrick

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye

Town Councilman Kitchen - Aye Town Councilman Morrow - Aye Supervisor Quigley - Aye

CARRIED

Motion authorizing the Supervisor to sign an engagement letter with Toski & Co. for Audit Services for the Year End December 31, 2012 in the amount of \$29,500 Town General Audit & \$4,500 for Special Audits (same cost as last year)

Motion: Councilwoman Hendrick Second: Councilman Kitchen

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Resolution authorizing the Supervisor to sign the agreement for settlement with Ulster County for distribution of drug forfeiture monies from the URGENT program

WHEREAS, the Town of Ulster and the Town of Ulster Police Department formerly participated in an inter-municipal task force known as Ulster Regional Enforcement Narcotics Team, or "URGENT;" and

WHEREAS, said task force is in the process of ending its operations; and

WHEREAS, the Town of Ulster may be entitled to a certain share of seized assets, as well as to a recoupment of certain monies it may have paid to the County of Ulster in furtherance of the goals and operations of URGENT; and

WHEREAS, in order to recover the sum of \$20,000.00, the County of Ulster requests that the Town Supervisor and the Chief of Police sign a General Release, in the form attached as Exhibit "A" to this resolution,

NOW, THEREFORE BE IT RESOLVED to authorize the Supervisor and the Chief of Police to sign the General Release with the County of Ulster.

Motion: Councilwoman Hendrick Second: Councilman Kitchen

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye

Town Councilman Morrow - Aye Supervisor Quigley - Aye

CARRIED

Resolution granting Site Plan Amendment approval for Quick- Chek, Washington Avenue, SBL # 48.14-1-18 and #48.14-3-35 and #37.2. (See Jan 17, 2013 Minutes for MOA Agreement Approval)

Site Plan Amendment Approval Quick Chek – Washington Avenue

Section-Block-Lot: S-B-L: 48.14-1-18, 48.14-3-35 & 37.2

WHEREAS, the Proposed Action before the Town Board involves minor revisions to the *Site Plan* approval, which was granted on December 20, 2012 to Quick Check Corporation to demolish an existing 2-story block building, frame sheds, canopy with four (4) fuel dispensers and then *construct* a 6,584 square-foot Quick Chek Food Store with fueling canopy to host twelve (12) multi-product fuel dispensers; and

WHEREAS, pursuant to Section 145-2 (A) (2) of the Town Code, a *Site Plan* Amendment is subject to the approval of the Town of Ulster *Town Board*; and

WHEREAS, the subject site is situated in the HC-Highway Commercial Zoning District where the proposed Quick Chek Food Store is permitted by right subject to Site Plan Review; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- Cover Letter prepared by Tung-To-Lam of Bohler Engineering dated December 28, 2012;
- Cover Sheet prepared by Bohler Engineering revised September 13, 2012; revised 12/26/12;
- Demolition Plan prepared by Bohler Engineering revised September 13, 2012 and 12/26/12;
- Overall Site Plan by Bohler Engineering revised 8/23/12, revised 9/13/12 & December 26, 2012;
- Site Plan prepared by Bohler Engineering revised 8/23/12, revised 9/13/12 & December 26, 2012;
- *Grading Plan* prepared by Bohler Engineering revised 8/23/12, 9/13/12, 11/19/12 and 12/26/12;
- Drainage & Utilities Plan by Bohler Engineering 8/23/12, revised 9/13/12, 11/19/12 and 12/26/12;
- Security Cameras Location Plan prepared by Bohler Engineering dated 11/19/12 and 12/26/12;
- Landscape Plan by Bohler Engineering revised 8/23/12, 9/13/12, 11/19/12 and 12/26/12;
- *Lighting Plan* prepared by Bohler Engineering revised 8/23/12, 9/13/12, 11/19/12 and 12/26/12;
- Soil Erosion & Sediment Control by Bohler Eng. revised 8/23/12, 9/13/12 & 11/19/12; & 12/26/12.
- Cover Sheet prepared by Bohler Engineering revised 9/13/12, 11/19/12, 12/26/12 and 1/11/2013;
- Demolition Plan by Bohler Engineering revised 9/13/12, 11/19/12, 12/26/12 and 1/11/2013;
- Overall Site Plan by Bohler Eng. revised 8/23/12, /13/12, 11/19/12, 12/26/12 and 1/11/2013;
- Site Plan prepared by Bohler Eng. revised 8/23/12, /13/12, 11/19/12, 12/26/12 and 1/11/2013;
- Grading Plan by Bohler Eng. revised 8/23/12, /13/12, 11/19/12, 12/26/12 and 1/11/2013;

- *Drainage & Utilities Plan* by Bohler Eng. revised 8/23/12, /13/12, 11/19/12, 12/26/12 & 1/11/2013;
- Security Cameras Plan prepared by Bohler Engineering dated 11/19/12 12/26/12 & 1/11/2013;
- Landscape Plan by Bohler Engineering revised 8/23/12, 9/13/12, 11/19/12, 12/26/12 & 1/11/2013;
- Lighting Plan by Bohler Engineering revised 8/23/12, 9/13/12, 11/19/12, 12/26/12 & 1/11/2013;
- Soil Erosion & Sediment Control by Bohler Eng. revised 8/23/12, /13/12, 11/19/12, 12/26/12 & 1/11/2013

WHEREAS, the Proposed Action (i.e. Site Plan Amendment) does not require referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and an increase in parking spaces on the site is not required to accommodate the minor Site Plan Amendments; and

WHEREAS, the Town of Ulster Town Board hereby reaffirms the SEQR findings (i.e. Negative Declaration) of the Town of Ulster Planning Board and found the proposed Site Plan Revision do not necessitate further SEQR review; and

WHEREAS, the Town of Ulster Town Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board herby grants Site Plan Amendment approval to *QuickChek Corporation* to demolish an existing 2-story block building, frame sheds, canopy with four (4) fuel dispensers and then *construct* a 6,584 square-foot Quick Chek Food Store with fueling canopy to host twelve (12) multi-product fuel dispensers on the above referenced site subject to the conditions, limitations and restrictions set forth below.

- 1. Compliance with applicable zoning and building laws, rules and regulations and final Site Plan set dated 01/11/2013;
- 2 The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
- 3. NYSDOT approval of the access to and from Washington Avenue and Ulster County DPW approval of the Sawkill Road driveway;
- 4. Possible permissive referendum regarding Town Board resolution conveying the abandoned Old Sawkill Road right-of-way to adjoining landowners;
- 5. Applicant shall enter into a sidewalk Memorandum of Understanding (MOU) with the Town of Ulster Town Board; and
- 6. All fees, including consultant fees, shall be paid.

Motion: Councilwoman Hendrick

Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye

Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Resolution authorizing Town Supervisor to enter into and execute two project agreements with the State of NY DEC for financial assistance of improvements to Ryder Park and an Arbor Day Program

That James E. Quigley 3rd, as Supervisor of the Town of Ulster *or such person's successor*, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$ 7,000 and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to this Municipality for Town of Ulster.

Motion: Councilman Brink

Second: Councilwoman Hendrick

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Motion to Hire Carol Bauer as a Temporary Worker for the Town Clerk's Office for Tax Collection @ \$12.00 per hour not to exceed 100 hours total

Motion: Councilman Brink

Second: Councilwoman Hendrick

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Resolution approving the terms and conditions of a certain Pilot Agreement to be entered into between Ulster County Industrial Development Agency and MHMG-KM Kingston LLC in connection with the MHMG-KM Kingston LLC project

WHEREAS. MHMG-KM Kingston LLC (the "Company") has presented an application (the "Application") to Ulster County Industrial Development Agency (the "Agency"), a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider undertaking a project (the "Project") consisting of: (A) (1) the acquisition of an interest in an approximately 5 acre portion of an approximately 10.2 acre parcel of land located at 1561 Ulster Avenue in the Town of Ulster, Ulster County, New York (Tax ID# 38.82-2-7.100) (the "Land"), including the existing improvements located thereon containing approximately 15,000 square feet of space (collectively, the "Existing Facility"), (2) the demolition of the Existing Facility, (3) the construction on the Land of a new 4-story building to contain approximately 84,000 square feet of space (the "Facility") and (4) the acquisition and installation therein and thereon of certain machinery and equipment (the "Equipment") (the Land, the Existing Facility, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned by the Company and leased to Mid Hudson Medical Group, P.C. (the "Tenant") and utilized by the Tenant as medical office space and other directly and indirectly related activities; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, in connection with the undertaking of the Project, the Company will execute and deliver a certain payment in lieu of tax agreement (the "PILOT Agreement") by and between the Agency and the Company pursuant to which the Company will agree to pay certain payments in lieu of taxes with respect to the Project Facility; and

WHEREAS, the proposed payment terms of the PILOT Agreement constitute a deviation from the Agency's Uniform Tax Exemption Policy (the "Policy"); and

WHEREAS, under Section 8(D) of the Policy, prior to entering into a PILOT Agreement that deviates from the Policy's standard payment terms, the Agency shall (1) notify each affected tax jurisdiction, and (2) attempt to obtain the written consent of all the affected tax jurisdictions; and

WHEREAS, the Agency desires that Ulster County, the Town of Ulster (the "Town"), the Kingston City School District, as the affected tax jurisdictions with respect to the Project Facility, adopt resolutions approving the terms of the PILOT Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster as follows:

Section 1. For the purpose of satisfying the requirements contained in Section 8(D) of the Policy, the Town Board of the Town hereby approves the terms and conditions of the PILOT Agreement, including but not limited, to the payment terms. The payment terms to be contained in the PILOT Agreement are substantially described in Schedule A attached hereto.

Section 2. The Town Supervisor is hereby authorized, on behalf of the Town, to execute and deliver the PILOT Agreement, said PILOT Agreement to contain the payment terms substantially in the form thereof presented at this meeting with such changes, variations, omissions and insertions as the Town Supervisor shall approve, the execution thereof by the Town Supervisor to constitute conclusive evidence of such approval.

Section 3. The officers, employees and agents of the Town are hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required or provided for by the applicable provisions of this Resolution in order to ensure compliance with such provisions as they relate to the execution and delivery of the PILOT Agreement, and to execute and deliver all such additional certificates, instruments and documents, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolution.

Section 4. This resolution shall take effect immediately.

SCHEDULE

A

PAYMENT AND ALLOCATION TERMS

The payment terms of the PILOT Agreement are summarized as

follows: A. The term of the PILOT Agreement will be 20 years.

B. The annual amount payable under the PILOT Agreement will be determined by the following formula:

$$A - B = C$$

- 1. "A" is equal to an amount determined as follows: \$4.00/sq. ft. multiplied by the gross building build-out (based on exterior dimensions). The amount of "A" will increase by 2% each year during the term of the PILOT Agreement.
- 2. "B" is equal to the total amount of special assessments and special district charges payable by the Company in the year in which the payment in lieu of tax payment is being calculated.
- 3. "C" is equal to the total amount of payments in lieu of tax payment payable by the Company in a particular.
- 4. "C" will be allocated each year among the affected taxing jurisdictions pro-rata based on their respective tax rates.
- 5. The payment in lieu of tax payment will cover amounts due for land and improvements on the project site.

Motion: Councilman Morrrow Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Motion setting rates for the Town of Ulster Summer Camp Program

February 7, 2013 at 7:00 PM

For Residents:

\$275.00 for the 1st child, \$75 for each additional

For Non-Residents

\$525.00 for the 1st child, \$125 for each additional

Motion: Councilman Morrow Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Authorization for the installation of a Natural Gas Supply Line on Dogwood St. and the conversion of the Ulster Waste Water Treatment Plant to Natural Gas from Propane

Motion: Councilman Morrow Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Resolution authorizing the Town Supervisor to Submit to the Town Clerk a Copy of the Report to the State Comptroller Required by General Municipal Law § 30

WHEREAS, Town Law § 29(10-a) states as follows:

In lieu of preparing the report required by subdivision ten of this section, the town board may determine, by resolution, that the supervisor shall submit to the town clerk, within the time period prescribed in section thirty of the general municipal law, a copy of the report to the state comptroller required by section thirty of the general municipal law, providing, however, that if the time for the filing of the annual report has been extended by the state comptroller as provided in the said statute, then the time for submitting a copy of the report to the town clerk similarly shall be extended. The town clerk shall cause either a summary of such report to be published within ten days after receipt thereof in a form approved by the state comptroller or a notice that a copy of such report

February 7, 2013 at 7:00 PM

is on file in the town clerk's office and is available for public inspection and copying, in the official newspaper and in such other newspapers as the town board may direct; and

WHEREAS, General Municipal Law § 30 states in part as follows:

Each town or village having a population, as shown by the latest preceding decennial federal census, between five thousand to nineteen thousand nine hundred ninety-nine, shall file their respective reports with the comptroller within ninety (90) days after the close of the fiscal year of such town or village; and

WHEREAS, the Town of Ulster's fiscal year closes on December 31; and

WHEREAS, the Town Board of the Town of Ulster has determined that it is in the best interest of the Town of Ulster to authorize the Town Supervisor adequate time to prepare a copy of the report to the state comptroller required by section thirty of the general municipal law;

NOW, THEREFORE Be It Resolved by the Town Board of the Town of Ulster that:

1. A copy of the supervisor's annual financial report for 2012 to the State Comptroller be filed with the town clerk within the first 90 days of 2013, unless the Comptroller extends the filing date by 30 days, in which case the same extension shall apply to the filing with the town clerk.

Motion: Councilman Morrow Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Motion to approve Conference Attendance for the Town Assessor and Town Justice

Motion: Councilman Kitchen Second: Councilwoman Hendrick

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

February 7, 2013 at 7:00 PM

Motion authorizing the Town Clerk to go out to Public Bid for the purchase of chemicals during 2013 on behalf of the Town of Ulster Water Department and the Town of Ulster Sewer Department

Motion: Councilman Brink

Second: Councilwoman Hendrick

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Motion to accept Frank Sloboda's letter of retirement from the Town of Ulster Sewer Department effective January 31, 2013

Motion: Councilwoman Hendrick

Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

KENCO Site Plan Approval

Resolution

Section-Block-Lot: 48.13-2-2

WHEREAS, the Town of Ulster Planning Board and Town Board and its consultant planner have reviewed an application by – William Kennedy dba Kenco Holding Company – for *Site Plan Amendment* approval to construct a 2-story 3,668 square foot addition (1,834 sq. ft. per floor) to the existing 8,881 sq. ft. KENCO establishment, which is located at 1000 Hurley Mountain Road; and

WHEREAS, the materials submitted in support of the Proposed Action include:

- Narrative Description prepared by William Kennedy dated September 12, 2012;
- Site Plan Application prepared by William Kennedy dated September 12, 2012;
- SEQR Short EAF prepared by William Kennedy dated September 12, 2012;

February 7, 2013 at 7:00 PM

- Escrow Agreement signed by William Kennedy dated September 13, 2012;
- Site Plan prepared by Maria DeFranco, Architect dated October 30, 2012; and
- Building Elevations prepared by Maria DeFranco, Architect dated October 10, 2012.
- Site Plan prepared by Maria DeFranco, Architect revised December 2, 2012;
- Site Plan for Sewage Disposal by Chris Zell, PE Brinnier & Larios, PC dated 11/19/12;
- Building Elevations prepared by Maria DeFranco, Architect dated December 5, 2012.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short Environmental Assessment Form (EAF)) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of State Environmental Quality Review Act (SEQR) and the Town Board was subsequently designated the Lead Agency for the environmental review; and

WHEREAS, the Planning Board and Town Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Town of Ulster Planning Board and Town Board determined the applicant submitted a complete application; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board for review pursuant to NYSGML Section 239 l and m; and

WHEREAS, the Ulster County Planning Board (UCPB) issued its written response, which included required modifications, which were addressed by the applicant through plan revisions and Ulster County Health Department approval of septic design modifications; and

WHEREAS, the proposed building addition encroaches on the required 30-foot front yard setback [i.e. 30 feet required – 10 to 28 feet proposed], which necessitated an area variance from the Zoning Board of Appeals; and

WHEREAS, the Zoning Board of Appeals granted an area variance to allow the proposed building addition to encroach the required 30-foot front yard setback [i.e. 30 feet required -10 to 28 feet proposed]; and

WHEREAS, the Town of Ulster Planning Board and Town Board determined its Site Plan specific required modifications have been adequately addressed by the applicant through revisions to the Site Plan set most recently revised December 2, 2012; and

WHEREAS, the Town of Ulster Planning Board referred this matter to the Town Board with a recommendation for a SEQR Negative Declaration and Site Plan Approval; and

WHEREAS, the Town Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby issues a SEQ Negative Declaration and grants Site Plan Amendment approval to – William

February 7, 2013 at 7:00 PM

Kennedy dba Kenco Holding Company – subject to the conditions, limitations and restrictions set forth below.

- 1. Compliance with applicable zoning and building laws, rules and regulations;
- 2. Compliance with all representations made by the applicant;
- 3. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
- 4. All fees, including consultant fees, shall be paid.

[Please note the proposal was informally approved at the January 21, 2013 Town Board Meeting]

Motion: Councilwoman Hendrick

Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Authorize Town Supervisor to Sign MVP Health Care Plan Agreement

Motion: Councilman Kitchen Second: Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Councilwoman Hendrick motioned to adjourn the meeting at 7:48 PM 2nd by Councilman Brink

Town Councilman Brink - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

ULSTER TOWN BOARD MEETING February 7, 2013 at 7:00 PM

Respectfully Submitted by Jason Cosenza, RMC FHCO Ulster Town Clerk